

BOARD OF COUNTY COMMISSIONERS
COUNTY OF NYE, STATE OF NEVADA

RESOLUTION SETTING FORTH NYE COUNTY'S
POSITION REGARDING THE PROPOSED HIGH LEVEL
NUCLEAR WASTE REPOSITORY AT YUCCA MOUNTAIN
AND THE SITUS COUNTY COMMUNITY PROTECTION PLAN

WHEREAS, the President has now formally recommended Yucca Mountain, in Nye County, as the site to which the federal government would transfer the Nation's highly radioactive wastes for interim storage, waste handling, and permanent disposal; and

WHEREAS, Nye County is the location of the Nevada Test Site where, for over 40 years, the Nation conducted nearly 1,000 atmospheric and underground nuclear weapons tests which permanently contaminated large tracts of land and groundwater; and recent studies reveal that radiation released in 828 underground nuclear detonations is migrating in poorly understood regional groundwater systems; and

WHEREAS, the program instituted by the United States Department of Energy (USDOE) to clean up the Nation's defense complex relies heavily on the disposal of low-level radioactive wastes at the Nevada Test Site, in Nye County;

WHEREAS, these low-level wastes arrive by truck on two-lane roads that go through four Nye County communities; in fiscal 2001, about 600 shipments containing 750,000 cubic feet of low-level wastes traveled 107,000 shipment miles on rural highways in the destination county; and

WHEREAS, Nye County also is the site of the Nellis Test and Training Range, a premier training range where the Nation trains its best fighter pilots for combat preparedness; and

WHEREAS, Nye County also is the site of the Tonopah Test Range, a restricted facility where the Nation has developed and based new-technology combat aircraft; and

WHEREAS, these activities (the Nevada Test Site, the Nellis Test and Training Range, and the Tonopah Test Range) have made major contributions to national defense but meager contribution to the Nye County's economic or revenue base; and

WHEREAS, the management and use of 11 million acres of public lands, comprising 98% of the Nye County's total land area, by a variety of federal land management agencies contributes very little to the Nye County's economic or revenue base, and forecloses opportunity for local community development; and

WHEREAS, Nye County has not sought to provide the site to which the federal government would transfer the Nation's highly radioactive wastes for interim storage, waste handling, and permanent disposal; and

WHEREAS, the USDOE claims that the proposed Yucca Mountain Project will be good for national health and safety, good for the nuclear power industry and their ratepayers, good for 80 communities in which highly radioactive wastes are now stored, good for 35 states that do not want to become permanent storage locations for highly radioactive wastes, and/or good for the federal government which has legal obligations to dispose of commercial spent fuel; and

WHEREAS, it is clear that the Yucca Mountain Project, if implemented as proposed, will achieve the expected benefits for others by the transfer of the Nation's highly radioactive wastes, along with all its attendant risks and uncertainties, from 80 sites in 35 states to a single community in Nevada—Nye County; and

WHEREAS, the elected government of Nye County has responsibility to protect local health, safety, and welfare, and is the only representative government whose first and overriding responsibility is to provide such protection in the situs county; and

WHEREAS, since 1995 Nye County has conducted independent scientific investigations in areas downgradient from the proposed Yucca Mountain repository, focusing on geologic and hydrologic conditions affecting the potential for contamination in the repository's major exposure pathways; and

WHEREAS, these independent investigations have identified uncertainties and contingencies—in science, design, and in implementing organization and funding— that require continued independent inquiry and confirmation; and

WHEREAS, in recognition of all of the above, Nye County has prepared a "Community Protection Plan" that identifies the legitimate objectives of the situs county, and the protections it expects in the event that the federal government decides to transfer the Nation's highly radioactive wastes to Yucca Mountain; and

WHEREAS, the Nye County Board of Commissioners deems it imperative that it set forth Nye County's statement of history, policy and intent regarding this issue,

NOW THEREFORE, it hereby is resolved as follows:

1. Nye County has not sought to provide the site to which the federal government would transfer the Nation's highly radioactive wastes for permanent disposal.
2. The Nation and the various parties who stand to benefit have a special obligation to the single local jurisdiction to which they desire to transfer their unwanted radioactive wastes.
3. If the Nation decides to transfer its highly radioactive wastes to this single community—Nye County—it has an obligation to do so under conditions that address the situs county's concerns and that assist rather than jeopardize legitimate site county objectives, as these are outlined Nye County's "Community Protection Plan."
4. Among these concerns and objectives are the following:



Protection of Health, Safety, and the Environment

The situs county—Nye County—should be empowered to conduct independent oversight and monitoring of USDOE activity in the situs county throughout Yucca Mountain site characterization, licensing, construction, operations, and performance confirmation. Situs county empowerment should be permanently financed, and should not be dependent on annual federal appropriations over the expected 50-300 years of repository operations.

Federal activities to confirm repository performance and to conduct research and development related to waste handling and potential reuse should be headquartered in Nye County—the only community in which repository performance, and the potential consequences of poor repository performance, would be an urgent daily concern throughout the expected 50-300 years of repository operations.



Equity in Nuclear Waste Transportation

Transportation of highly radioactive wastes in the situs county should be conducted by rail, and under policies which minimize the risks for Nye County communities of all high and low-level radioactive waste shipments.



A Viable Local Economic & Revenue Base

Special federal actions should be taken to provide the situs county an opportunity to develop a viable economic and revenue base, with facility and service systems comparable to those in other communities hosting USDOE nuclear facilities—even as the federal government plans to make an extraordinary future imposition in addition to the extraordinary impositions of the past.

